

**SO ORDERED.**

**SIGNED this 09 day of November, 2010.**



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**ROBERT E. LITTLEFIELD, JR.  
CHIEF UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK**

In re

**EDWARD S BUSHEE and  
CHRISTINA BUSHEE  
Debtors.**

Case No. 10-11755 REL  
Chapter 13  
**ORDER CONDITIONALLY  
MODIFYING AUTOMATIC STAY**

GMAC MORTGAGE, LLC, by its attorneys, FEIN, SUCH & CRANE, LLP, having duly applied for an order granting applicant relief from the stay for purposes of foreclosing its security interest in the collateral described in the within application, and said application having regularly come to be heard, and the debtor's attorney, having stipulated and agreed to the relief herein provided, it is on motion of Fein, Such & Crane, LLP,

ORDERED, that the debtors to make payment to applicant of past due post petition payments for the months of August 1, 2010 through November 1, 2010 in the amount of \$6,474.96, late charges in the amount of \$163.08 and attorney fees in the amount of \$450.00, for a total amount due of \$7,088.04. Payment will be made in six (6) installments. The first payment in the amount of \$1,181.34 to be made on or before November 15, 2010, the second payment in the amount of \$1,181.34 to be made on or before December 15, 2010, the third payment in the amount of \$1,181.34 to be made on or before January 15, 2011, the fourth payment in the amount of \$1,181.34

to be made on or before February 15, 2011, the fifth payment in the amount of \$1,181.34 to be made on or before March 15, 2011 and the final payment in the amount of \$1,181.34 to be made on or before April 15, 2011.

AND IT IS FURTHER ORDERED, that regular post-petition payments are to be made beginning on December 1, 2010.

AND IT IS FURTHER ORDERED that the automatic stay pursuant to 11 U.S.C. § 362 shall be modified to permit GMAC MORTGAGE, LLC, to commence or continue foreclosure, of its interest in certain property now or formerly owned by the debtors, at 31 Buell Avenue, Ballston Lake, New York, unless such funds are received on or before the date provided for in this order.

AND IT IS FURTHER ORDERED, that said automatic stay be and hereby is further modified to permit applicant to continue foreclosure against said property, upon ten (10) day notice of default and if not cured submission of an Ex-Parte application, if the debtors fail to make any future post-petition mortgage payment within fifteen (15) days of its due date, or if the debtors fail to cure any other default under the mortgage within ten (10) days of notice of default.

AND IT IS FURTHER ORDERED, that the applicant notify the trustee, Andrea E. Celli, Esq. of surplus monies, if any, arising from said sale of the Collateral and also that the secured creditor is allowed attorneys' fees only to the extent that those fees are generated from the foreclosure action.

Approved as to form and content:

Attorney for Debtors

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